



JFW
Docket No.: 250457US2



COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/800,649

Applicants: Kenji INOUE, et al.

Filing Date: March 16, 2004

For: SURFACE ACOUSTIC WAVE DEVICE AND
BRANCHING FILTER

Group Art Unit: 2834

Examiner: Budd, Mark Osborne

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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DOCKET NO: 250457US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF : :

Kenji INOUE, et al. : EXAMINER: BUDD, Mark Osborne

SERIAL NO.: 10/800,649 : :

FILED: March 16, 2004 : GROUP ART UNIT: 2834

FOR: SURFACE ACOUSTIC WAVE DEVICE AND BRANCHING FILTER : :

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction requirement of October 21, 20005, applicants elect, with traverse, the invention of Group I (Claims 1-10).

Applicants traverse the outstanding restriction requirement on the grounds that it has not been established that it be an undue burden to examine each of the noted inventions and claims together.

Under M.P.E.P. § 803, a restriction is not proper if a search and examination can be made without a serious burden on the Examiner, and the outstanding election requirement has not established that examining each of the currently-pending claims together would result in an undue burden.

M.P.E.P. § 803 specifically states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

The outstanding restriction requirement has not established that each of the claims could be examined without an undue burden, and thus each of the noted inventions and claims should be examined on their merits.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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